

REMARKS/ARGUMENTS

Claims 1 – 10 are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks.

In the outstanding Office Action, the Examiner rejected claims 1 – 2 as being anticipated by U.S. Patent No. 4,730,373 to Senoh (hereinafter referred to as “the Senoh ‘373 patent”) and objected to claims 3 – 10 as being dependent on a rejected base claim, but allowable if rewritten in independent form.

By this Response and Amendment, Applicants respectfully traverse the Examiner’s rejection. Support for the amendment to claim 1 is found on page 5, lines 1 – 11 of the originally filed specification. Thus, it is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Rejections Under 35 USC §102

Claims 1 – 2 were rejected as anticipated by the Senoh ‘373 patent.

Response

By this Response and Amendment, Applicants respectfully traverse the Examiner’s rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by the cited prior art. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131.

Claim 1 recites “[a] lathe comprising: a vertically positioned motor-driven work spindle on

whose lower end are positioned workpiece clamps, an initial compound slide system by means of which the work spindle can move vertically in a Z1 direction and horizontally in an X1 direction, at least one initial stationary tool holder, at least one second tool holder which can execute an advancing action in at least two directions during the machining process, while the advancing movement of the second tool holder is independent of but synchronized with the control of the first compound slide system, wherein the second tool holder (46) is movable in a controlled fashion vertically in a Z2 direction and horizontally in an X2 direction by a second compound slide system (28, 30, 32, 34); and wherein the movement of the second tool holder (46) is synchronized with the movement of the first compound slide system (19) in such a way that the movement of the second tool holder (46) provides an arithmetic overlay of the movement of the first compound slide system (19) and the independently controlled relative movement between the workpiece and the second tool holder (46).

The Senoh '373 patent discloses multiple tool holders that are mounted on a slide system. However, all tool holders in the lathe according to the Senoh '373 patent can be adjusted horizontally, but can only be moved controllably simultaneously *horizontally*. It is *not* possible to move any of the tools in a vertical direction. The Senoh '373 patent also discloses a spindle having workpiece clamps and being movable only axially (z-direction). Therefore, according to the Senoh '373 patent, the relative movement between the workpiece and the tool is identical for all tool holders.

The presently claimed invention relates to a "pick-up" type of lathe, which supports a workpiece on its *lower* end through the clamps. Contrastingly, the Senoh '373 patent includes a spindle 3 that supports a workpiece on its upper end. Thus, for at least the reason that the Senoh '373 patent does not disclose, teach or suggest "a vertically positioned motor-driven work spindle on whose lower end are

positioned workpiece clamps” that supports a workpiece as recited in independent claim 1, the presently claimed invention is not anticipated by the Senoh ‘373 patent.

In further contrast to the presently claimed invention, the Senoh ‘373 patent does not disclose, teach or suggest “an initial compound slide system by means of which the work spindle can move *vertically* in a Z1 direction *and* horizontally in an X1 direction” as recited in amended independent claim 1. The Senoh ‘373 patent does not provide a vertical movement of a work spindle and an additional horizontal movement, whereas the presently claimed invention is based on a work spindle mounted on an initial compound slide system by means of which the work spindle can move horizontally in the X1 direction *and* vertically in the Z1 direction. Thus, for at least this further reason, the presently claimed invention is not anticipated by the Senoh ‘373 patent.

Essentially, the Senoh ‘373 patent does not disclose, teach or suggest “a second compound slide system” as recited in amended independent claim 1. Notwithstanding whether element 17 of the Senoh ‘373 patent can be considered a compound slide system as suggested in the outstanding Office Action, the Senoh ‘373 patent discloses no second compound slide system. Contrastingly, the second compound slide system according to the presently claimed invention can move the tool holder vertically in the direction named Z2 and horizontally in the X2 direction, which makes it possible to turn the same workpiece at the same time with two tools independently in z- and x-directions. Thus, for at least this reason, the presently claimed invention is not anticipated by the Senoh ‘373 patent.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned attorney.

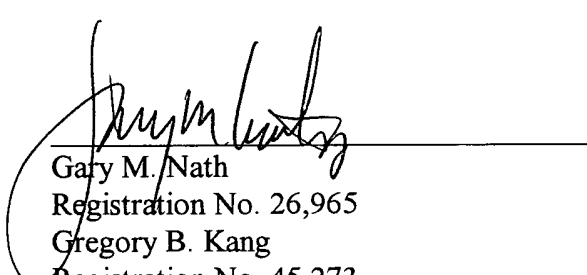
In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

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